

MONTANA LEGISLATIVE HISTORY

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Chapter 136 19 93

Bill H _____ S 279 Original bill & history C

H. Committee on <u>Agriculture, Livestock, & Irrigation</u>	S. Committee on <u>Agriculture, Livestock, & Irrigation</u>
Hearing Date(s) <u>Mar 02</u> ☒ C	Hearing Date(s) <u>Feb 05</u> ☒ C
_____ C	<u>Feb 10</u> ☒ C
_____ C	_____ C
_____ C	_____ C
Date Out <u>Mar 02</u> ☒ C	<u>Feb 10</u> ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

2/11	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/22	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/23	FIRST READING		
3/02	REREFERRED TO SCHOOL FUNDING SELECT COMMITTEE		
3/16	HEARING		
3/17	COMMITTEE REPORT—BILL CONCURRED AND REREFERRED TO EDUCATION & CULTURAL RESOURCES		
3/24	HEARING		
3/29	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	92	3
4/01	3RD READING CONCURRED	97	1
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	47	0
4/05	3RD READING AMENDMENTS CONCURRED	50	0
4/07	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 375		
	EFFECTIVE DATE: 07/01/93		

SB 279 INTRODUCED BY SWYSGOOD, ET AL.

ESTABLISH ADDITIONAL SURVEY REQUIREMENTS FOR SURVEYS
AFFECTING IRRIGATION DISTRICTS

1/29	INTRODUCED		
1/29	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/29	FIRST READING		
2/05	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/12	2ND READING PASSED	49	0
2/13	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/23	FIRST READING		
3/02	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	99	1
3/09	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/15	SIGNED BY SPEAKER		
3/16	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 136		
	EFFECTIVE DATE: 03/19/93		

SB 280 INTRODUCED BY GROSFIELD, ET AL.

IMPLEMENT 1992 STATE WATER PLAN—WATER QUALITY/QUANTITY
BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION

1/30	INTRODUCED
1/30	REFERRED TO NATURAL RESOURCES
1/30	FIRST READING

SENATE BILL NO. 279

INTRODUCED BY SWYSGOOD, TASH

IN THE SENATE

JANUARY 29, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1993	PRINTING REPORT. SECOND READING, DO PASS.
FEBRUARY 13, 1993	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 50; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
MARCH 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.
MARCH 10, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 11, 1993	RECEIVED FROM HOUSE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
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1 *Senate* BILL NO. *279*
 2 INTRODUCED BY *Surgeon Tash*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ADDITIONAL
 5 SURVEY REQUIREMENTS FOR SURVEYS AFFECTING IRRIGATION
 6 DISTRICTS; LIMITING THE RESPONSIBILITY OF IRRIGATION
 7 DISTRICTS FOR CERTAIN IRRIGATION WATER DISTRIBUTION CHANGES;
 8 AND AMENDING SECTIONS 76-3-401, 76-3-402, AND 85-7-1922,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. **Section 1.** Surveys affecting irrigation
 13 districts -- additional survey requirements. (1) (a) A
 14 surveyor who completes a survey identified in subsection (2)
 15 that establishes or defines a section line and creates a
 16 parcel that crosses the established or defined section line
 17 so that an irrigation district assessment boundary is
 18 included in more than 1 section shall note on the survey the
 19 acreage of the farm unit or created parcel in each section.

20 (b) The surveyor shall notify the appropriate
 21 irrigation district of the existence of the survey and the
 22 purpose of the survey.

23 (2) The requirements of subsection (1) apply only to
 24 surveys for which the surveyor determines that, based on
 25 available public records, the survey involves land:

1 (a) traversed by a canal or ditch owned by an
 2 irrigation district; or

3 (b) included in an irrigation district.

4 (3) For purposes of this section, "irrigation district"
 5 means a district established pursuant to Title 85, chapter
 6 7.

7 **Section 2.** Section 76-3-401, MCA, is amended to read:

8 "76-3-401. Survey requirements for lands other than
 9 subdivisions. All divisions of land for sale other than a
 10 subdivision after July 1, 1974, into parcels which cannot be
 11 described as 1/32 or larger aliquot parts of a United States
 12 government section or a United States government lot must be
 13 surveyed by or under the supervision of a registered land
 14 surveyor. Surveys required under this section must comply
 15 with the requirements of [section 1]."

16 **Section 3.** Section 76-3-402, MCA, is amended to read:

17 "76-3-402. Survey and platting requirements for
 18 subdivided lands. (1) Every subdivision of land after June
 19 30, 1973, ~~shall~~ must be surveyed and platted in conformance
 20 with this chapter, including the requirements of [section
 21 1], by or under the supervision of a registered land
 22 surveyor.

23 (2) Subdivision plats ~~shall~~ must be prepared and filed
 24 in accordance with this chapter and regulations adopted
 25 pursuant ~~thereto~~ to this chapter.

(3) All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners ~~shall~~ must be filed in accordance with Corner Recordation Act of Montana (Title 70, chapter 22, part 1). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body ~~shall~~ must be prepared and filed by a registered engineer or a registered land surveyor, as their respective licensing laws allow, in accordance with this chapter and regulations adopted pursuant thereto to this chapter."

Section 4. Section 85-7-1922, MCA, is amended to read:

"85-7-1922. Regulation, supervision, apportionment, and control of water distribution. (1) In addition to all other powers granted them by the laws of Montana, boards of commissioners of all irrigation districts, ~~now or hereafter~~ organized under any law of this state, ~~shall have the power and authority to~~ may regulate, supervise, apportion, and control the furnishing and delivery of water through the distribution system of the district. ~~Such~~ The authority to regulate, supervise, apportion, and control ~~shall~~ does not apply to users who have water rights or ditch rights, established, acquired by court decree, use, appropriation or otherwise, at the time or prior to the organization of such

the district, without regard to whether ~~said~~ the distribution system or any a portion thereof of the system belongs to the district or to the owner of lands served by ~~said~~ the district.

(2) Notwithstanding the provisions of 85-7-1921 and the powers granted to the board of commissioners under subsection (1) of this section, the irrigation district is not responsible for the:

(a) construction, operation, or maintenance of internal delivery systems; or

(b) division of irrigation water after the water is delivered to the established project delivery points."

NEW SECTION. Section 5. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 76, chapter 3, part 4, and the provisions of Title 76, chapter 3, part 4, apply to [section 1].

-End-

similar purchases by the value of the property. This language gives the Department of Livestock the option to either sell the property or retain it for departmental use. If the equipment is sold, the money goes into the special account, but if retained the Department has to reduce their property purchases by value of the retained property.

Sen. Beck wanted to insure that property is properly appraised, for example, a \$25,000 pick up is not appraised at \$5. If the Department nears the dollar limit of the account, it would encourage the retention of vehicles to keep the account open.

Sen. Halligan said equipment seizure is effective in drug busts and allows law enforcement officers to go after the dealers and use the money. He stated as much discretion as possible should be given to these agencies. The \$20,000 limit may be too restrictive, one vehicle could net \$20,000. Accumulated property will eventually be seen in their budget and thus reduce the budget in other areas. He said seizure should be encouraged and that budgets can be reduced later. He again questioned the placement of a \$20,00 limit.

Closing by Sponsor:

Rep. Rose closed by asking for a Do Pass.

HEARING ON SB 279

Opening Statement by Sponsor:

Sen. Swysgood, District 37, said SB 279 addresses an unclear situation concerning the subdivision of parcels within an irrigation district. When these divisions straddle a section line, problems occur. Sen. Swysgood referred to a map illustrating the situation. Under current law irrigation districts are not notified when the parcel straddles the section line. One irrigation district may not be aware of this and should receive an assessment. One parcel should have some assessment appropriated to it, and there is no way of knowing this. A person may receive a bill for assessment but may not receive any water due to the delivery point of the water. An agreement at the time of sale for the delivery of water would avoid this situation.

SB 279 would have the surveyor notify the appropriate irrigation district as to the existence and the purpose of the survey. This section only requires the surveyor to use public records on hand. Each small individual ditch would not have public records available, but almost every irrigation district has records. This is explained on pg 2 at the top by "(a) traversed by a canal or ditch owned by an irrigation district; or (b) included in an irrigation district".

Sen. Swysgood referred to a provision on page 4, that the irrigation district is not responsible for the "construction, operation, or maintenance of internal delivery systems; or (b) division of irrigation water after the water is delivered to the established project delivery points." This means that buyers and sellers in an agreement are responsible to get the water to a parcel that is sold. The irrigation district is not responsible for construction and maintenance of that delivery point because they do not benefit from it. According to Sen. Swysgood the irrigation district's responsibility ends at the initial point of diversion.

SB 279 would alert the irrigation districts so they could sit down with sellers and buyers to work out these problems out ahead of time. Sen. Swysgood stated people would not be paying for water that they are not receiving, as a result.

Sen. Swysgood said the trial lawyers do not like the word "responsible" on page 4. He had seen an offered amendment and did not have a problem with it, although he would like to see it go back to legislative counsel to be drafted in proper form.

Proponents' Testimony:

Jo Brunner, Executive Director of Montana Water Resources Association, supported SB 279. SB 279 is an effort of the irrigation districts to alleviate some of the problem situations. The irrigation districts are receiving demands to deliver water to small parcels of land that they are not responsible for. Ms. Brunner had seen the amendments and had no problems with them.

Russell Hill, Montana Trial Lawyers Association, offered amendments to SB 279. (Exhibit #2).

Opponents' Testimony:

None

Questions From Committee Members and Responses:

Sen. Beck asked Sen. Swysgood if this dealt with irrigators on an adjudicated stream. He asked if "traversed by canal or ditch owned by an irrigator or an irrigation district" could be added to SB 279 or if that would adversely affect the bill. Sen. Swysgood replied that it would adversely affect his bill. These were left out because there were not records by individual irrigators and their inclusion would result in astronomical survey fees.

Sen. Beck asked about the problem with word "responsible". Mr. Russell Hill responded by referring to page 4, line 8. His original concern was that the word responsible could be open to interpretation. If an irrigation district did construct, operate

or maintain an internal delivery system, the district would not be responsible for negligent or grossly negligently actions by doing so. He stated he did not feel this was the intent of the drafters of the bill, and there was not a difference of opinion at this point.

Sen. Koehnke asked how SB 279 would affect the surveyors. Sen. Swysgood replied that the surveyors are supposed to notify the irrigation districts that surveys are in progress and about the purpose of the surveys. This would allow the irrigation districts to work with surveyors.

Sen. Aklestad asked about a person buying a piece of land at the end of the ditch without an agreement with the ditch company. He wanted to know if a piece of land be in jeopardy of not receiving water, and how that would be handled. Sen. Swysgood said that SB 279 would give the purchaser more security than existing law because they would have advance knowledge of the water system and would not be surprised in the future.

Sen. Beck asked Sen. Swysgood why a parcel receiving no water would be charged an assessment, and who would be responsible to make sure this does not happen. Sen. Swysgood replied that it is the responsibility of the buyers and the sellers. The irrigation district has no legal responsibility to supply water to that point in this case.

Jo Brunner stated that irrigation districts have the authority to write rules and regulations for delivery points. If a person has 80 acres and decides to subdivide it, the water rights would not automatically go to smaller parcels sold off the back of that 80 acres. The water assessment remains with the land. It is the responsibility of the subdivider to inform the persons buying the lots that water is not available to the lots, and that they will have to pay the assessments.

Sen. Halligan asked about the original intent of SB 279 to establish survey requirements, and why the last part of the bill is necessary. Sen. Swysgood replied that the irrigation districts wanted to inform the subdivider that it is not the district's responsibility to construct or maintain those waterways and delivery points away from the original delivery point. These issues should be worked out between the developer and other parties. The irrigation district is only responsible for the original delivery point.

Sen. Halligan said the bill should be more specific about the construction and maintenance of internal delivery systems. He asked if that meant irrigation districts are still required to do this within the district but not outside the parcel. Sen. Swysgood referred to Section 4, subsection 2a and 2b, which clarified that the irrigation district is responsible to only deliver water to the original delivery point.

Sen. Beck asked if the district determined that delivery point. Sen. Swysgood replied yes. Ms. Brunner said the subdivider and the irrigation district can determine where those diversion points will be. SB 279 would deal with situations to determine whether the water was going to an 80 acre plot or 10 acre plots.

Closing by Sponsor:

Sen. Swysgood said that SB 279 provides the opportunity for the irrigation districts to review surveys prior to approval. This would allow the district to determine the number of irrigable acres within each section of land. More importantly, it provides early notification to the district that there will be changes in the assessment of water rights and allotments on project lands. The problems of isolating tracts from water sources are obvious: Who pays the costs of additional facilities, Who determines the location of the facilities, How is the water to be measured, and If there are sufficient supplies for weekend demand. These questions should be resolved before the approval of any subdivision plans. SB 279 is designed to iron these problems out ahead of time.

Chair Rea asked if Sen. Swysgood accepted the amendments. Sen. Swysgood replied yes, but he would like the Environmental Quality Council staff look at them.

ADJOURNMENT

Adjournment: Meeting adjourned at 1:41 p.m.


SENATOR JACK "DOC" REA, Chair


DAVID MARTIN, Secretary

JR/dm

lien must be commenced within one year. This would change the filing limitations statutes.

Sen. Aklestad asked Sen. Hertel if the lien would not supersede a bank mortgage. Sen. Hertel said no. Doug Sternberg said Section 904 deals specifically with the priorities of the lien. The mortgage could only be taken on the grain or crops. Doug read the entire section and said that it does not affect the priority of liens.

Sen. Aklestad asked for clarification on what a lien could be taken against without getting a second lien. Pam Langley responded that this lien could only be on the crop, whereas a bank could place a lien on land or equipment. Sen. Aklestad said the bank already had a lien on the crop so this would be a second lien. Ms. Langley said that the crop lien would go in ahead of the bank. She said the Montana Bankers Association and the Independent Bankers Association both expressed that they had no problems with this legislation.

Sen. Aklestad asked if a applicator was able to file a lien that supersedes the bank's lien. Sen Halligan said that a lien could not be filed on the fertilizer applied on the ground, and the priorities of filing a lien are not changed but expanded to include the applicator's labor. Sen. Halligan asked Mr. Sternberg to read Section 904 again and he did.

Sen. Halligan said that the crop lien would apply only to the crop and would supersede the other liens, except for seed.

Closing by Sponsor:

Sen. Hertel said that the lien provided in SB 328 would not be used a great deal, but the lien would provide much needed protection. Fertilizer use is important and can have significant amounts of money tied to it. He said there will not be an increase on the amount of liens brought into the Secretary of State's office with passage of this bill. In the long run SB 328 will help agriculture in Montana.

EXECUTIVE ACTION ON SB 279

Discussion:

Doug Sternberg, Legislative Council, said that he had drafted Russell Hill's amendments into bill draft format. The essence of the bill stays the same. The primary change is page 4, line 8, changing "responsible for" to "required to". There is also a change on line 9, changing "construction" to "construct", and "operation" to "operate".

Motion/Vote:

Sen. Halligan MOVED THE AMENDMENTS to SB 279. The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Sen. Aklestad MOVED SB 279 have an immediate effective date. The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Sen. Pipinich MOVED SB 279 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 328

Motion/Vote: Sen. Forrester MOVED SB 328 DO PASS. The motion CARRIED UNANIMOUSLY.

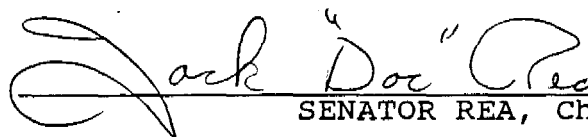
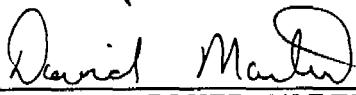
EXECUTIVE ACTION ON HB 104

Discussion: The Committee discussed HB 104 and decided that there were points to work out before further consideration.

Motion/Vote: Sen. Pipinich MOVED that the Committee pass consideration until the next meeting. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: Meeting adjourned at 1:39 p.m.


SENATOR REA, Chair

DAVID MARTIN, Secretary

JR/dm

ROLL CALL

SENATE COMMITTEE AGRICULTURE DATE 2-5-93

NAME	PRESENT	ABSENT	EXCUSED
REA	✓		
KOEHNKE	✓		
AKLESTAD	✓		
BECK	✓		
DEVLIN		✓	
BURNETT	✓		
HALLIGAN	✓		
PIPINICH	✓		
FORRESTER	✓		
BRUSKI-MAUS	✓		

Proponents' Testimony:

Pam Langley, Montana Agricultural Business Association, stated that SB 328 passed the Senate Agriculture Committee unanimously. EXHIBIT 1.

Ed Naughten, Farmers Union Oil Company in Great Falls, stated SB 328 would protect all farmers. He said the company did \$15 million worth of business in 1992 and of the \$15 million, two liens were filed. Mr. Naughten stated that in past years SB 328, if it were law, would have been very useful to protect their investment. Farmers Union Oil Company lost \$100,000 one year because a lien could not be filed against a crop.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. ROSE asked if they would be able to have a lien on a crop until the fertilizer bill was paid. SEN. HERTEL replied that was correct.

REP. BARNETT asked if SB 328 would protect the aerial applicator. SEN. HERTEL said that it would.

REP. BARNETT asked if it would be protection for small businesses selling fertilizer. Ms. Langley stated that SB 328 did protect them as well.

Closing by Sponsor:

SEN. HERTEL closed.

REP. ROSE was asked to carry SB 328 on the House floor.

HEARING ON SB 279

Opening Statement by Sponsor:

SEN. CHUCK SWYSGOOD, SD 37, Dillon, stated that SB 279 addressed a concern that irrigation districts have with subdivisions. This bill states that when a parcel is created and it crosses the defined section line, the irrigation district assessment boundary would be included in the survey of the acreage that was created.

Proponents' Testimony:

Jo Brunner, Montana Water Resource Association, stated that SB 279 was very important to the irrigation districts. A division of land often causes problems for the irrigation districts and for the ones who have purchased the land. Irrigation districts

have the ability to decide how to deliver water and divert the water. Then, when the land is subdivided, the irrigation districts may not have a way to get that water to the newly created parcels.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. SPRING asked if SB 279 applied to the Gallatin Valley Irrigation Districts' small independent ditches. SEN. SWYSGOOD said that it did not, it applied to irrigation districts.

Closing by Sponsor:

SEN. SWYSGOOD closed.

HEARING ON SB 259

Opening Statement by Sponsor:

SEN. JOHN HARP, SD 4, Kalispell, stated that SB 259 is a code commissioner bill. This bill institutes what the supreme court has determined is law. The primary purpose of this is to change the code to fit the law as determined by court judgment. He stated that the court said where the land is condemned and the utility has paid for the easement once it is unfair to require them to pay for the easement again. If the relocation of a powerline is at the request of a landowner, then the land owner should bear the cost of relocation. SB 259 deletes the requirement that utilities pay for one-half the cost of relocation.

Proponents' Testimony:

Greg Petesch, Code Commissioner Legislative Council, stated that a code commissioner bill is a clean-up bill. Where there are problems in the code, he prepares a list of suggested legislation. The Senate Judiciary Committee requested the bill. The purpose for these type of bills is to allow a person reading the code to know what the law is. Currently, if one would read the statute which SB 259 addressed it would appear the utility company can be required to pay half of the costs of relocating a powerline.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. BARNETT asked Mr. Petesch what would happen if there was no record of an easement being granted and the powerline was

requested to be relocated. Who would pay to have it relocated. Mr. Petesch said if there was no easement for the powerline, the landowner can demand whatever price he wants. The landowner could tell the utility to get the powerline off his land. The power company has the right of condemnation to take the easement, but they would be required to pay full market value for the easement.

REP. ROSE asked about relocation of power lines for safety precautions. SEN. HARP stated that most of the time utility companies are very cautious to remove a line that may be dangerous to the general public.

Closing by Sponsor:

SEN. HARP closed.

REP. SPRING was asked to carry SB 259 on the House floor.

EXECUTIVE ACTION ON SB 328

Motion: REP. BARNETT MOVED SB 328 BE CONCURRED IN for the purpose of discussion.

Discussion: REP. SCHWINDEN said that he was concerned when the proponents talked about banks filing liens against the crops.

REP. REHBEIN stated that the bank has first lien on a farmer's crop and a fertilizer lien would come somewhere down the list after the bank.

REP. ROSE stated that he had a constituent who sells fertilizer in Choteau and two or three of his customers filed for bankruptcy. This constituent did not receive money for his fertilizer.

REP. MASON said that what SB 328 did was help protect the fertilizer businesses and he urged the committee to concur in SB 328.

Motion/Vote: SB 328 TO BE CONCURRED IN.

Vote: A roll call vote was called. The motion carried with REP. SCHWINDEN AND REP. REHBEIN voting no. REP. LARSON was not present to vote on the motion.

EXECUTIVE ACTION ON SB 279

Motion: REP. BACHINI MOVED SB 279 TO BE CONCURRED IN for the

purpose of discussion.

Discussion: REP. MASON said he thought SB 279 was an essential piece of legislation.

Motion/Vote: SB 279 TO BE CONCURRED IN.

Vote: The motion carried unanimously.

EXECUTIVE ACTION ON SB 259

Motion: REP. BACHINI MOVED SB 259 TO BE CONCURRED IN for the purpose of discussion.

Discussion: REP. ANDERSON suggested that the committee not pass SB 259 just to take care of situations that are covered under the Supreme Court ruling.

REP. SCHWINDEN agreed with REP. ANDERSON. He said that Montanans have gotten along fine since 1979, and he questions the merits of the bill.

REP. SPRING asked the committee to defer executive action on SB 259 until a later date.

REP. BACHINI withdrew his motion.

REP. KELLER asked Dave Bohyer to explain the reasons for the bill.

Dave Bohyer cited the McTaggart case and stated that the power company had already paid for the easement and the court found that they were asking the company to pay twice for the lien that they had already purchased once. The court determined this was unconstitutional. Therefore, if there was an easement and the landowner requests to have a powerline moved, the landowner would be required to pay 100% of relocation of the line. The landowner has been paid once and the court determined that the landowner should not be paid again.

REP. SPRING said that if the committee wanted to pass the bill out, he would support the motion.

Motion: REP. BARNETT MADE A SUBSTITUTE MOTION TO TABLE SB 259.

Motion/Vote: TABLE SB 259.

Vote: A roll call vote was called. The motion carried 8-6.
REP. LARSON and REP. STOVALL were absent to vote on the motion.

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

3/2/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.		✓	
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		✓
CHAIRMAN VERN KELLER	✓		

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Agriculture

COMMITTEE

BILL NO.

SB 279

DATE

3-2-92

SPONSOR(S)

Swygood

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>J. H. Munro</u>	<u>MARA</u>	☒	☐

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE STANDING COMMITTEE REPORT

March 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 279 (third reading copy -- blue) be concurred in .

Signed: _____
Vern Keller, Chair

Carried by: Rep. Tash

Committee Vote:
Yes 11, No 0.

471650SC.Hpf